

E6-816

**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-1014

February 29, 2008

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

☐ Notice of Exemption ☐ Petition for Exemption ☒ Regulated Abandonment

☐ **NO NEW COMMENTS WERE RECEIVED**

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SEA served an Environmental Assessment (EA) for this proceeding on January 29, 2008 for public review and comment. In the EA, SEA recommended two environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments

SEA received one comment after issuance of the EA. On February 14, 2008, Robert Davis submitted a comment stating that the Board should not allow adverse abandonment when there is a historical group trying to preserve the rail line. He indicated that Creede has shown no intention to do anything with the rail line that serves the public good and questioned how Creede could have built a playground on the right-of-way when the line wasn't officially abandoned. He also stated that if the Board rules for Creede, then any operator (common carrier, non-profit) that is busy raising funds for restoration would be under the risk of having their right-of-way taken away.

Conclusions

The EA comment period had ended. Accordingly, SEA recommends that the following conditions previously recommended in the EA should be imposed upon any decision granting abandonment authority:

1. The City of Creede, Colorado (the City) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National

Historic Preservation Act, 16 U.S.C. 470f, has been completed. The City shall report back to the Section of Environmental Analysis regarding any consultations with the Colorado Office of Archeology and Historical Preservation and any other Section 106 consulting parties. Salvage activities related to abandonment (including removal of tracks and ties) may not commence until the Section 106 process has been completed, and the Board has removed this condition.

2. Notice shall be given to the National Geodetic Survey at least 90 days prior to the commencement of salvage activities that will disturb or destroy any geodetic station markers.

If the above conditions are imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

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